

UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/12263  
23 December 1976

ORIGINAL: ENGLISH

---

LETTER DATED 23 DECEMBER 1976 FROM THE PERMANENT REPRESENTATIVE  
OF THE UNITED STATES TO THE UNITED NATIONS ADDRESSED TO THE  
PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to convey a report of the United Nations Command concerning the maintenance of the Armistice Agreement of 1953 during the period 1 September 1975 through 20 December 1976.

I request that this letter, together with its enclosed report of the United Nations Command, be circulated as a document of the Security Council.

(Signed) William W. SCRANTON

REPORT ON THE ACTIVITIES OF THE UNITED NATIONS COMMAND (UNC)

1. Background. This report is submitted in accordance with United Nations Security Council resolution 84 (1950) of 7 July 1950, which called for the establishment of a unified command under the United States for United Nations Forces in Korea and requested the United States "to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command". The present report summarizes developments since the period covered by the last report (United Nations document S/11861, 31 October 1975), it includes details regarding the 18 August incident in the Joint Security Area near Panmunjom, and the changes in JSA security arrangements negotiated subsequently.

2. Armistice Structure and Procedures

a. Military Armistice Commission

The United Nations Command has continued to concentrate its efforts on upholding the Korean Armistice Agreement of 27 July 1953. The principal instrument for enforcement of that agreement is the Military Armistice Commission (MAC). The Commission was established by the agreement "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violation of this Armistice Agreement".

As discussed in document S/11861, 31 October 1975, the Commission is composed of 10 senior military officers, five from the United Nations Command (including representatives of the United States, the Republic of Korea, and other members of the United Nations Command) and five from the North Korean People's Army and the Chinese People's Volunteers. It is assisted by a secretariat which consists of representatives from each side, who meet as needed, and by duty officers from each side who are in communication with each other daily. These contacts are carried out in the Joint Security Area, a portion of the MAC Headquarters Area located astride the Military Demarcation Line (MDL) in the centre of the Demilitarized Zone (DMZ) which divides the Korean peninsula.

b. Neutral Nations Supervisory Commission (NNSC)

The United Nations Command and the Military Armistice Commission also co-operate in support of the Neutral Nations Supervisory Commission, established under the Armistice Agreement to supervise compliance with certain aspects of the agreement. The Neutral Nations Supervisory Commission is composed of representatives of Czechoslovakia, Poland, Sweden, and Switzerland. It meets weekly in the Joint Security Area near Panmunjom, and reports to the Military Armistice Commission on its activities, which principally concern the movement of military personnel and equipment to and from Korea.

/...

c. Role of the Republic of Korea

The Republic of Korea has complied with the Armistice Agreement since its conclusion. During the negotiations the Republic of Korea Government gave assurances that it would adhere to the cease fire. These assurances were reiterated by the United Nations Command, and the Armistice Agreement was signed by the United Nations Commander on behalf of all forces participating in United Nations Command, including those of the Republic of Korea. Republic of Korea military officers have been accredited to the Armistice Commission since March 1954, have served regularly on the Commission since that time, and take part in activities at the secretaries' and lower levels as well.

3. Military Armistice Commission activities

Meetings of the Military Armistice Commission are utilized to discuss armistice violations, and in the event of major violations the United Nations Command has consistently worked through Commission meetings. Secretaries' meetings are used to deal with administrative matters, during the period covered by this report (1 September 1975-20 December 1976), there have been 17 meetings of the Commission and 12 of the secretariat. These meetings provide the only regular channels for exposition of facts and exchanges of views concerning arrangements along the DMZ and dangerous incidents. They are essential to prevent possible miscalculations and escalation of conflicts. Daily meetings of joint duty officers and direct telephone lines between their offices permit immediate communication between the two sides.

The most significant achievement of the Commission during the year since the last report was to devise measures designed to reduce the danger of violent confrontations in the Armistice Commission Headquarters Area. The development of these arrangements followed the incident of 18 August (described in greater detail below) in which two United Nations officers were murdered by North Korean soldiers while supervising the pruning of a tree, in the UNC sector of the Joint Security Area. This new arrangement and the negotiations leading to it played a crucial role in defusing the dangerous situation that followed the 18 August incident.

4. Developments of the past year

Since the period covered by the last report of the United Nations Command (ending 31 August 1975), the United Nations Command has undertaken various positive actions to ensure that the objectives of the Armistice Agreement are met. In addition to the extensive efforts made following the 18 August incident, these actions have included the following:

(a) On 22 January 1976, during the 370th meeting of the Military Armistice Commission, the United Nations Command unilaterally disarmed 50 per cent of the United Nations Command Guards in the Commissioner's Headquarters in the area.

/...

This was done in the hope of achieving mutual progress in reducing tensions in the area. No response was received, however, and in May 1976 the full authorized complement of 35 armed personnel was restored. These personnel continued to be under strict orders to avoid contact or conflict with the other side and to refrain from using their weapons except when necessary to protect themselves against armed attack. (The restraint displayed by UNC personnel on 18 August, in accordance with these orders, was a key factor in preventing more serious escalation of that incident.)

(b) On the same date, 22 January, the United Nations Command called for a major effort for inspection of the Demilitarized Zone to investigate, verify, and eliminate any violations that may have occurred.

(c) The United Nations Command has repeatedly called for the convening of Joint Observer Teams to investigate violations charged by both sides. The UNC has repeated this proposal 67 times since the last such team met in April 1967, including meetings on 3 April and 6 August 1976. (The first Joint Observer Team to meet since 1967 convened in the Joint Security Area on 7 September 1976, to assist in implementation of the new JSA Agreement.)

(d) In the absence of a favourable response to proposals for the use of Joint Observer Teams, the United Nations Command has unilaterally investigated all charges of armistice violations presented by the other side, in so far as those charges have been sufficiently specific to permit investigation. Over 27,000 such charges have been investigated (although some were not presented until 40 days after the alleged occurrence) and responses have been made in the Armistice Commission meetings. The United Nations Command has, in the past, acknowledged violations on 98 occasions (most recently when a Republic of Korea helicopter crashed in the DMZ in July 1975); however, none of the charges presented by the other side during the past year has been confirmed.

#### 5. Violations of the agreement and dangerous incidents

During the past year, in the Armistice Commission, the UNC has reported 10,801 violations of the agreement committed by the North. The more serious of these violations have included the following:

(a) The discovery of three armed intruders in the area immediately south of the Demilitarized Zone during the period 19-21 June. The intruders were killed after firing on Republic of Korea personnel who attempted to apprehend them, and they were found to be carrying AK-47 rifles, cameras, maps, and equipment clearly marked as originating in North Korea.

/...

(b) Firing of automatic weapons and recoilless rifles causing damage to a United Nations Command position, on 5 August 1976.

(c) On several occasions during the year, in the Armistice Commission Headquarters Area North Korean personnel, in contravention of the agreement, have interfered with the movement of United Nations Command personnel and on one occasion (26 June 1976) injured the driver of a United Nations Command vehicle in the headquarters area.

6. The 18 August incident and subsequent arrangements

The most serious violation ever to occur in the Armistice Commission's Joint Security Area took place on 18 August when 30 North Korean guards attacked a group of 10 United Nations Command security guards who were accompanying a peaceful work party. The workers were trimming a tree (on the UNC side of the Military Demarcation Line in the Joint Security Area), which obstructed the view between two UNC observation posts. This type of routine maintenance operation had been effected often. Earlier plans to remove the tree had been changed after North Korean personnel objected.

Although they initially indicated no objection to the work the North Korean guards later demanded that work be stopped. The UNC Commander on the scene directed that it continue since it had not been completed. At this point the North Koreans summoned reinforcements and, after their arrival, attacked the UNC guards, singling out the two United States Army officers present. These two officers, one of whom was unarmed, were beaten to death with clubs, ax handles and the blunt heads of axes. Seven other members of the United Nations Command guard party were injured as they attempted to break off contact with the North Korean soldiers and withdraw with their officers from the area of the attack.

The UNC immediately called a meeting of the Military Armistice Commission, which was held on 19 August. On that occasion the UNC protested in the strongest terms the murder of the two officers and demanded assurances that such an incident would not recur. On 21 August the UNC removed the tree, as well as two barriers that had been erected illegally by the North Korean side in 1966 in the UNC part of the JSA. Later that day the Commander of the North Korean People's Army, through a meeting of the senior members of the Military Armistice Commission, conveyed an expression of regret concerning the incident but provided no assurances regarding punishment of those responsible, nor regarding the prevention of further incidents.

In a subsequent meeting of the Commission called by the UNC to reiterate its insistence on these measures, discussion was initiated for new security arrangements in the Joint Security Area. Apparently expanding on elements of a 1970 UNC proposal, which they had previously ignored, the KPA/CPV side suggested steps to keep military personnel on their respective sides of the DMZ. Arrangements for this and related measures were subsequently negotiated by the secretaries of the Military Armistice Commission, and were agreed to on 6 September 1976, with the approval of the two senior members of the Military Armistice Commission. The agreement constitutes a "supplement to the agreement on

/...

the Military Armistice Headquarters Area, its security and its construction" concluded on 19 October 1953. It provides that:

(a) Military personnel, except for personnel of the Military Armistice Commission, Joint Observer Teams, and the Neutral Nations Supervisory Commission shall remain on their respective sides of the Military Demarcation Line (MDL) in the JSA (except in the buildings built on the MDL itself), unless authorized by the other side to cross the line for a particular purpose.

(b) Non-military personnel shall retain freedom of movement within the JSA, provided they cross the MDL at the designated area of the conference site to permit their proper identification.

(c) Each side shall remove its guard posts from the other side of the MDL (in practice, this applied only to the North Korean side, which maintained four guard posts on the UNC side; the UNC had no guard posts on the North Korean side).

(d) Military and non-military personnel in the JSA shall be prohibited from making "contacts infringing upon each other's safety".

(e) The agreement entered into force on 16 September to permit time for the marking of the MDL in accordance with the agreement and for removal of the North Korean guard posts.

#### 7. Further Developments

Following earlier proposals, the UNC Secretary recommended in a letter to his counterpart on 8 October that the two sides attempt (1) to determine the complete facts of allegations of armistice violations, (2) to reduce tension between the two sides and, (3) to improve the use of Military Armistice Commission organs so that they function more efficiently. This proposal was reiterated at a Military Armistice Commission meeting the next day at which the UNC expressed the hope that the progress made following the 18 August incident could be continued. At a subsequent secretaries' meeting on 17 November, the KPA/CPV responded to the 8 October letter commenting there was nothing new in it or in the statement at the MAC meeting.

#### 8. Conclusion

As this report indicates, the Armistice Agreement and the Military Armistice Commission have continued to operate despite the tension and hostility existing along the Military Demarcation Line. The Commission serves an invaluable purpose in making it possible to uphold the Armistice Agreement, in demonstrating the continued commitment of the Command and its participating forces to the Armistice Agreement, and in facilitating direct communications between the two sides. Until agreement is reached on a successor arrangement, it is essential that the Armistice Agreement remain in effect. The United Nations Command will continue to work for the agreement's implementation, to prevent the outbreak of hostilities on the Korean peninsula.

/...

Annex

Agreement on Supplement to the "Agreement on the Military  
Armistice Commission Headquarters Area, Its Security and  
Its Construction"

WHEREAS paragraph 25, article II, of the Agreement made July 27, 1953, between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, contains provisions regarding the location and operation of the Headquarters of the Military Armistice Commission, and

WHEREAS section II c of the "Agreement on the Military Armistice Commission Headquarters Area, Its Security and Its Construction", adopted on 19 October 1953, by the Military Armistice Commission, contains provisions regarding the security of the Joint Security Area (JSA), and

WHEREAS, in the years since the coming into force of the above agreements, it has become evident that certain additional measures will be necessary in order to guarantee the security of personnel in the JSA, and particularly to preclude conflicts between military personnel of both sides,

THEREFORE, the Secretaries of the Military Armistice Commission hereby recommend that the "Agreement on the Military Armistice Commission Headquarters Area, Its Security and Its Construction" be amended by the Military Armistice Commission by the addition of the following supplements:

Supplements to the "Agreement on the Military  
Armistice Commission Headquarters Area, Its  
Security and Its Construction"

(Agreed upon at the 446th Secretaries meeting held on 6 September 1976  
and approved by the Senior Member of both sides on 6 September 1976)

1. Supplement to paragraph c, article II

On the basis of a joint survey, the Military Demarcation Line at the Conference Buildings' site in the Joint Security Area shall be marked only by cement pavement, fifty (50) centimetres wide and five (5) centimetres above ground level, and in other sectors only by concrete posts of ten (10) centimetres by ten (10) centimetres and one (1) metre in height placed in the ground at ten (10) metre intervals. The Conference Buildings' site covers the seven (7) buildings on the Military Demarcation Line and the yard surrounding them, that is, seven (7) buildings and the areas ten (10) metres from the building of the western end and ten (10) metres from the building of the eastern end.

/...

The responsibility for the work of the marking from Military Demarcation Line Marker No. 0099 to the western boundary shall be assumed by the Korean People's Army and the Chinese People's Volunteers side, and from Military Demarcation Line Marker No. 0099 to the eastern boundary by the United Nations Command side, except where the trace of the Military Demarcation Line enters the stream bed on the south-west corner of the Joint Security Area where markers will be placed on alternate banks by the appropriate side.

The responsibility for the maintenance and control of the markers shall be assumed by the side which marked the line.

2. Supplement to paragraph d, article II

All military personnel, including the security personnel in the Joint Security Area, shall not go into the area of the other side crossing the Military Demarcation Line in the Joint Security Area; provided that this Agreement excludes the personnel of the Military Armistice Commission, Joint Observer Teams, and the Neutral Nations Supervisory Commission, in accordance with paragraph 11 of the Armistice Agreement, and that not more than fifteen (15) Military Armistice Commission and its assistants from each side shall be allowed to cross into and remain in the area of the other side at one time. Free movement is allowed to both sides in the jointly used buildings and to the side in the buildings for its unilateral use built on the Military Demarcation Line in the Joint Security Area.

Military personnel who will have to go into the area of the other side crossing the Military Demarcation Line for the maintenance and control of the communication facilities in the Joint Security Area or for other authorized activity by unarmed military personnel, shall get approval of the other side.

All non-military personnel of both sides are allowed to freely move crossing the Military Demarcation Line in the Joint Security Area. However, they shall cross the Military Demarcation Line only at the Conference Buildings' site in the Joint Security Area to permit their proper identification. Vehicles shall be permitted to cross the Military Demarcation Line in the Joint Security Area only with prior consent of the other side.

Neither military personnel nor non-military personnel of both sides are allowed in the Joint Security Area to make contacts infringing upon each other's safety.

Each side shall responsibly assure the safety of the personnel of the other side who legally come to the portion of its side in the Joint Security Area.

3. Supplement to paragraph b, article III

Guard posts needed by either side in the Joint Security Area shall be set up in its Area only.

To assure the observance of safety assurances of paragraph d, article II, neither side shall erect visual or other barriers that would obstruct observance of the other side.

/...



The following governs the implementation of the Agreement on the Supplements to the "Agreement on the Military Armistice Commission Headquarters Area, Its Security and Its Construction"

- The Supplement shall become effective ten days after the day the Supplements are approved by the Senior Members of both sides.

- The Joint Survey Team shall be composed of an equal number from each side of professionally qualified personnel for the joint survey and for the marking of the Military Demarcation Line and shall be guaranteed safety and protection by both sides under the observation of a Joint Observer Team.

- The following shall be implemented between the approval and the effective date of the Supplements:

The marking of the Military Demarcation Line according to the Agreement reached between both sides shall be completed.

Both sides shall withdraw their guard posts, security personnel, and other facilities from the area of the other side; provided that the telephone and its facilities installed in the office of the Joint Duty Officer of the respective sides are excluded.

The guard posts of the Korean People's Army and the Chinese People's Volunteers side located in the United Nations Command side's portion shall be withdrawn.

- The respective sides will, in the period between the approval by the Senior Members of both sides and the effective date of the Supplements, guarantee the safety of personnel from the other side by issuing and enforcing orders prohibiting contacts infringing upon the other's safety or interfering in the performance of tasks leading to implementation of the Supplements.

Done this 6th day of September 1976.

(Signed) Col. Terrence W. McCLAIN, USA  
Secretary  
Delegation of UNC

(Signed) Sr. Col. CHOI, Won Chol, KPA  
Secretary  
Delegation of KPA/CPV

Military Armistice Commission, 6 September 1976

-----